



General Assembly

Substitute Bill No. 1083

January Session, 2001

***AN ACT CONCERNING ENHANCED SUPERVISION OF OFFENDERS
AND ENHANCED ACCESS TO SUBSTANCE ABUSE TREATMENT
AND OTHER TREATMENT PROGRAMS IN THE CRIMINAL JUSTICE
SYSTEM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) The Department of Correction, in cooperation
2 with the Department of Mental Health and Addiction Services, shall
3 provide treatment services to incarcerated offenders and community-
4 supervised offenders sufficient to meet the service needs of the
5 population of such incarcerated and community-supervised offenders,
6 ensure public safety, and reduce prison overcrowding and criminal
7 recidivism. The treatment services provided by the department
8 pursuant to this section shall include training, rehabilitation, treatment
9 and other programs devoted to substance abuse, mental health and
10 anger management. Such treatment services shall also include
11 necessary and appropriate maintenance and detoxification treatment
12 to any incarcerated offender or community-supervised offender whom
13 the department has determined would benefit from such treatment.
14 Offenders incarcerated for a period likely to exceed one year are not
15 eligible for maintenance treatment pursuant to this section.

16 (b) The Department of Correction, the Board of Parole and the
17 Judicial Department, in cooperation with the Department of Mental
18 Health and Addiction Services, shall establish on the premises of

19 correctional facilities and community-based facilities programs to
20 screen incarcerated offenders and community-supervised offenders for
21 substance abuse dependency.

22 (c) The Department of Mental Health and Addiction Services shall
23 provide inmates released into the community with a transitional
24 caseworker who shall effectively manage and support the
25 reintegration of inmates into the community and coordinate the
26 provision of treatment programs.

27 Sec. 2. (NEW) A sentencing team shall be established at all criminal
28 court locations to advise the court on appropriate sentences for
29 offenders, to maximize the use of graduated sanctions for offenders, to
30 increase the criminal justice agencies' use of community correction
31 programs and to improve the organizational capacity of the criminal
32 justice system. Each sentencing team shall be composed of a judge, a
33 state's attorney, a public defender, a bail commissioner, a probation
34 officer, a criminal sanctions monitor, a representative from the
35 Department of Mental Health and Addiction Services, a representative
36 from the Department of Correction and a parole officer from the
37 hearings division of the Board of Parole.

38 Sec. 3. Subsection (a) of section 17a-696 of the general statutes is
39 repealed and the following is substituted in lieu thereof:

40 (a) The provisions of this section shall not apply to any person
41 charged with a violation of section 14-227a or 53a-60d or with a class
42 A, B or C felony. [or to any person who was previously ordered treated
43 under this section, subsection (i) of section 17-155y, section 19a-386 or
44 section 21a-284 of the general statutes revised to 1989.] The court may
45 waive the ineligibility provisions of this subsection for any person.

46 Sec. 4. Subsection (a) of section 17a-699 of the general statutes is
47 repealed and the following is substituted in lieu thereof:

48 (a) The provisions of this section shall not apply to any person
49 convicted of murder, attempt to commit murder, kidnapping, robbery

50 in the first degree or any felony involving serious physical injury. [or
51 to any person who has been previously ordered to be treated under
52 this section or section 19a-387 or 21a-285 of the general statutes,
53 revised to 1989.]

54 Sec. 5. Section 51-181b of the general statutes is repealed and the
55 following is substituted in lieu thereof:

56 (a) The Chief Court Administrator may establish in any
57 geographical area court location or juvenile matters court location a
58 docket separate from other criminal or juvenile matters for the hearing
59 of criminal or juvenile matters in which a defendant is a drug-
60 dependent person, as defined in section 21a-240. The docket in a
61 geographical area court location shall be available to, but not be
62 limited to, offenders who are sixteen to twenty-one years of age and
63 who could benefit from placement in a substance abuse treatment
64 program.

65 (b) No offender charged with a sale offense may be denied
66 eligibility to participate in the program established under subsection
67 (a) of this section solely due to such charged offense. No offender may
68 be denied eligibility to participate in the program established under
69 subsection (a) of this section solely because the offender has
70 withdrawn from substance abuse treatment against medical advice on
71 a prior occasion or because the offender has relapsed after earlier
72 treatment.

73 (c) Not later than January 2, 2002, each docket established under
74 subsection (a) of this section shall, with the cooperation of the
75 Department of Mental Health and Addiction Services, offer
76 appropriate substance abuse detoxification, maintenance and other
77 treatment programs, including, but not limited to, methadone
78 detoxification and methadone maintenance treatments, to all offenders
79 assigned to such docket who have been determined by the Department
80 of Mental Health and Addiction Services to be dependent on opiates
81 and in need of detoxification or maintenance treatment.

82 (d) The Department of Mental Health and Addiction Services shall
83 contract with methadone treatment programs licensed in this state to
84 provide the detoxification and maintenance treatment as required
85 under subsection (c) of this section. The Department of Mental Health
86 and Addiction Services shall establish a state-wide registry of program
87 participants.

88 Sec. 6. Section 53a-39c of the general statutes is repealed and the
89 following is substituted in lieu thereof:

90 (a) There is established, within available appropriations, a
91 community service labor program for persons charged with a violation
92 of section 21a-267 or 21a-279. [who have not previously been convicted
93 of a violation of section 21a-267, 21a-277, 21a-278 or 21a-279.] Upon
94 application by any such person for participation in such program the
95 court may grant such application and (1) if such person has not
96 previously been placed in the community service labor program, the
97 court may either suspend prosecution and place such person in such
98 program or, upon a plea of guilty without trial where a term of
99 imprisonment is part of a stated plea agreement, suspend any sentence
100 of imprisonment and make participation in such program a condition
101 of probation or conditional discharge in accordance with section
102 53a-30; or (2) if such person has previously been placed in such
103 program, the court may, upon a plea of guilty without trial where a
104 term of imprisonment is part of a stated plea agreement, suspend any
105 sentence of imprisonment and make participation in such program a
106 condition of probation or conditional discharge in accordance with
107 said section 53a-30. No person may be placed in such program who
108 has twice previously been placed in such program.

109 (b) Any person for whom prosecution is suspended and who is
110 placed in the community service labor program pursuant to subsection
111 (a) of this section shall agree to the tolling of the statute of limitations
112 with respect to such crime and to a waiver of such person's right to a
113 speedy trial. A pretrial community service labor program established
114 under this section for persons for whom prosecution is suspended

115 shall include a drug education component. If such person satisfactorily
116 completes the program of community service labor to which such
117 person was assigned, such person may apply for dismissal of the
118 charges against such person and the court, on reviewing the record of
119 such person's participation in such program and on finding such
120 satisfactory completion, shall dismiss the charges. If the program
121 provider certifies to the court that such person did not successfully
122 complete the program of community service labor to which such
123 person was assigned or is no longer amenable to participation in such
124 program, the court shall enter a plea of not guilty for such person and
125 immediately place the case on the trial list.

126 (c) The period of participation in a community service labor
127 program shall be: (1) For a violation of section 21a-267, a minimum of
128 fourteen days for a first violation and thirty days for a second violation
129 involving a plea of guilty and conviction; (2) for a violation of
130 subsection (a) of section 21a-279, fourteen days for a first violation and
131 thirty days for a second violation; (3) for a violation of subsection (b) of
132 section 21a-279, ten days for a first violation and twenty days for a
133 second violation; and (4) for a violation of subsection (c) of section 21a-
134 279, two days for a first violation and ten days for a second violation.

135 Sec. 7. Section 54-56i of the general statutes is repealed and the
136 following is substituted in lieu thereof:

137 [(a) Not later than January 1, 1998, but in no event sooner than the
138 establishment of the pilot research drug education program under
139 section 17a-715, the]

140 (a) The Department of Mental Health and Addiction Services shall
141 establish a pretrial drug education program for persons charged with a
142 violation of section 21a-267 or 21a-279.

143 [(b) Upon application by any such person for participation in such
144 program, the court shall, but only as to the public, order the court file
145 sealed provided such person states under oath, in open court or before
146 any person designated by the clerk and duly authorized to administer

147 oaths, under penalties of perjury, that such person has never had such
148 program invoked in such person's behalf. A person shall be ineligible
149 for participation in such pretrial drug education program if such
150 person has previously participated in the drug education program
151 established under this section or the pretrial community service labor
152 program established under section 53a-39c.]

153 [(c)] (b) The court, after consideration of the recommendation of the
154 state's attorney, assistant state's attorney or deputy assistant state's
155 attorney in charge of the case, may, in its discretion, grant [such] an
156 application for participation in the program. If the court grants such
157 application, it shall refer such person to the Bail Commission for
158 confirmation of the eligibility of the applicant.

159 [(d)] (c) Upon confirmation of eligibility, such person shall be
160 referred to the Department of Mental Health and Addiction Services
161 by the Bail Commission for placement in the drug education program.
162 Any person who enters the program shall agree: (1) To the tolling of
163 the statute of limitations with respect to such crime; (2) to a waiver of
164 such person's right to a speedy trial; (3) to any conditions that may be
165 established by the department concerning participation in the drug
166 education program including conditions concerning participation in
167 meetings or sessions of the program; and (4) to accept placement in a
168 treatment program upon the recommendation of a provider under
169 contract with the Department of Mental Health and Addiction Services
170 or placement in a treatment program that has standards substantially
171 similar to, or higher than, a program of a provider under contract with
172 the Department of Mental Health and Addiction Services if the Bail
173 Commission deems it appropriate. The department shall require, as a
174 condition of the assigned program, that such person participate in, and
175 successfully complete, a community service labor program established
176 under section 53a-39c, as amended by this act, for a period of four
177 days.

178 [(e)] (d) If the Bail Commission informs the court that such person is
179 ineligible for the program and the court makes a determination of

180 ineligible or if the program provider certifies to the court that such
181 person did not successfully complete the assigned program, the court
182 shall [order the court file to be unsealed,] enter a plea of not guilty for
183 such person and immediately place the case on the trial list.

184 ~~[(f)]~~ (e) If such person satisfactorily completes the assigned
185 program, such person may apply for dismissal of the charges against
186 such person and the court, on reviewing the record of such person's
187 participation in such program submitted by the Bail Commission and
188 on finding such satisfactory completion, shall dismiss the charges. If
189 such person does not apply for dismissal of the charges against such
190 person after satisfactorily completing the assigned program, the court,
191 upon receipt of the record of such person's participation in such
192 program submitted by the Bail Commission, may on its own motion
193 make a finding of such satisfactory completion and dismiss the
194 charges. Upon motion of such person and a showing of good cause,
195 the court may extend the placement period for a reasonable period for
196 such person to complete the assigned program. A record of
197 participation in such program shall be retained by the Bail
198 Commission for a period of seven years from the date of application.

199 ~~[(g)]~~ (f) At the time the court grants the application for participation
200 in the pretrial drug education program, such person shall pay to the
201 court a nonrefundable program fee of three hundred fifty dollars,
202 except that no person may be excluded from such program for
203 inability to pay such fee, provided (1) such person files with the court
204 an affidavit of indigency or inability to pay, (2) such indigency or
205 inability to pay is confirmed by the Bail Commission, and (3) the court
206 enters a finding thereof. The court may waive all or any portion of
207 such fee depending on such person's ability to pay. If the court denies
208 the application, such person shall not be required to pay the program
209 fee. If the court grants the application, and such person is later
210 determined to be ineligible for participation in such pretrial drug
211 education program or fails to complete the assigned program, the
212 three-hundred-fifty-dollar program fee shall not be refunded. All such
213 program fees shall be credited to the General Fund.

214 ~~[(h)]~~ (g) The Department of Mental Health and Addiction Services
215 shall develop standards and oversee appropriate drug education
216 programs to meet the requirements of this section and may contract
217 with service providers to provide such programs. The department
218 shall adopt regulations, in accordance with chapter 54, to establish
219 standards for such drug education programs.

220 ~~[(i)]~~ (h) Any person whose employment or residence or schooling
221 makes it unreasonable to attend a drug program in this state may
222 attend a program in another state that has standards similar to, or
223 higher than, those of this state, subject to the approval of the court and
224 payment of the program fee as provided in this section.

225 Sec. 8. Section 54-105 of the general statutes is repealed and the
226 following is substituted in lieu thereof:

227 (a) The Director of Probation shall be the executive officer of the
228 Office of Adult Probation. The judges of the Superior Court or an
229 authorized committee thereof shall, within the limits of available
230 appropriated funds and subject to the compensation plan established
231 under section 51-12, appoint and fix the salaries and the date when
232 such salaries and services shall commence of such number of
233 probation officers, assistants and other employees as may be necessary
234 to provide ~~[adequate probation service]~~ probation services sufficient to
235 meet the needs of community-supervised offenders. The director shall
236 supervise and direct the work of the probation officers and other
237 employees and may require reports from them. ~~[He]~~ The director shall
238 formulate methods of investigation, supervision, record-keeping and
239 reports. ~~[He]~~ The director shall compile statistics on the work of all
240 probation officers and shall perform such other duties as may be
241 necessary to establish and maintain an efficient probation service in the
242 Superior Court. ~~[He]~~ The director shall prepare and publish such
243 reports as may be required by the Chief Court Administrator. In the
244 pursuance of ~~[his]~~ such duties, ~~[he]~~ the director shall have access to the
245 records of probation officers. ~~[He]~~ The director shall maintain a record
246 of all probationers.

247 (b) The Director of Probation shall establish within the Office of
248 Adult Probation an intensive probation program, which shall be
249 operated separately from regular probation except that it may share
250 facilities and administrative services. The purpose of intensive
251 probation is to place persons in the community under close
252 supervision and restriction to ensure public safety, reduce prison
253 overcrowding and contribute to the rehabilitation of persons in the
254 program. There shall be periodic testing for drug or alcohol use for
255 those probationers on intensive probation who have been identified as
256 having histories of drug or alcohol abuse. Any defendant placed on
257 intensive probation who fails to comply with the conditions of [his]
258 such defendant's intensive probation shall be presented to the court as
259 provided in subsection (a) of section 53a-32 for a hearing to be
260 conducted in accordance with said subsection. If such defendant is
261 found by the court to have violated any condition of [his] such
262 defendant's intensive probation, the sentencing court or judge may
263 continue such defendant on intensive probation, modify or enlarge the
264 conditions of intensive probation or revoke the intensive probation
265 and either require the defendant to serve the balance of the sentence
266 imposed or impose any lesser sentence. The director shall have the
267 same powers and duties with respect to the intensive probation
268 program as [he] the director has with respect to regular probation
269 under subsection (a) of this section. Persons may be placed on
270 intensive probation pursuant to an order of a court or judge under
271 section 53a-30 or 53a-39a, as amended by this act, or as required by the
272 Office of Adult Probation.

273 (c) Subject to the approval of the Chief Court Administrator, the
274 Director of Probation may establish within the Office of Adult
275 Probation a community service program, including a community
276 service labor program, which will assign, supervise and report
277 compliance of persons sentenced to perform community service as a
278 condition of probation or conditional discharge. Prior to the
279 establishment of such a community service labor program, the Director
280 of Probation shall certify to the Chief Court Administrator that all

281 anticipated costs of a program sufficient for the number of eligible
282 persons expected to be assigned to it can be paid for within available
283 appropriations. If the Director of Probation establishes such a
284 community service program, [said] the director shall, subject to the
285 approval of the Chief Court Administrator, contract with service
286 providers, develop standards and oversee community service
287 programs to implement such program.

288 (d) The Director of Probation shall [establish within the Office of
289 Adult Probation a program wherein eighty-four probation officers
290 shall have a caseload of not more than thirty-five probationers per
291 officer for the purpose of providing high level supervision. This
292 program shall be implemented with funds appropriated pursuant to
293 section 48 of public act 90-213*, provided such caseload may be
294 increased at the discretion of the Director of Probation if funding for
295 the current service level for the Office of Adult Probation is reduced]
296 annually determine probation officer caseloads sufficient to meet the
297 needs of community-supervised offenders.

298 Sec. 9. Section 54-124b of the general statutes is repealed and the
299 following is substituted in lieu thereof:

300 The [chairman] chairperson of the Board of Parole, in consultation
301 with the members of the board and representatives of parole officers,
302 shall annually [review and establish goals for parole officer to parolee
303 caseload ratio] determine the caseload of parolees per parole officer to
304 meet the needs of community-supervised offenders.

305 Sec. 10. Section 54-128 of the general statutes is repealed and the
306 following is substituted in lieu thereof:

307 (a) If a paroled convict or inmate has violated parole, as established
308 by the parole officer, and the offense for which the parolee was
309 originally sentenced to parole did not involve the use, attempted use,
310 or threatened use of physical force against another person, the Board
311 of Parole shall modify the conditions of parole to address the cause of
312 the parolee's violation and the parolee's treatment needs. If the Board

313 of Parole finds that such modification of parole conditions is not
314 appropriate under the circumstances, the court may return the parolee
315 to the custody of the Commissioner of Correction or any institution of
316 the Department of Correction pursuant to subsection (b) of this section.

317 [(a)] (b) Any paroled convict or inmate who has been returned to the
318 custody of the Commissioner of Correction or any institution of the
319 Department of Correction for violation of [his] such convict's or
320 inmate's parole may be retained in the institution from which [he] such
321 convict or inmate was paroled for a period equal to the unexpired
322 portion of the term of [his] such convict's or inmate's sentence at the
323 date of the request or order for [his] such convict's or inmate's return
324 less any commutation or diminution of [his] such convict's or inmate's
325 sentence earned, except that the Board of Parole may, in its discretion,
326 determine that [he] such convict or inmate shall forfeit any or all of
327 such earned time, or may be again paroled by said board.

328 [(b)] (c) Each parolee or inmate, subject to the provisions of section
329 18-7, shall be subject to loss of all or any portion of time earned.

330 [(c)] (d) Any person who, during the service of a period of special
331 parole imposed in accordance with subdivision (9) of section 53a-28,
332 has been returned to the custody of the Commissioner of Correction or
333 any institution of the Department of Correction for violation of [his]
334 such person's parole, may be retained in the institution from which
335 [he] such person was paroled for a period equal to the unexpired
336 portion of the period of special parole. The total length of the term of
337 incarceration and term of special parole combined shall not exceed the
338 maximum sentence of incarceration authorized for the offense for
339 which the person was convicted.

340 Sec. 11. (a) There is established a sentencing task force to evaluate
341 the criminal sentencing process at the felony level. The task force shall:
342 (1) Review existing sentencing laws; (2) evaluate the actual versus the
343 intended impact of sentencing practices and trends as they relate to the
344 overall policy; (3) measure the impact of sentencing laws and practices

345 on the growth of the inmate and community-supervised offender
346 populations; (4) review all statutory and administrative bond options
347 and practices; (5) assess the effectiveness of mandatory minimum
348 sentences, persistent offender statutes and eligibility criteria for
349 criminal justice sentencing and sanction options; and (6) estimate the
350 cost of any changes proposed.

351 (b) The sentencing task force shall consist of the following members:
352 (1) A state's attorney appointed by the Chief State's Attorney; (2) a
353 public defender appointed by the Chief Public Defender; (3) the chief
354 administrative judge for the Criminal Division of the Superior Court;
355 (4) a bail commissioner appointed by the Chief Court Administrator;
356 (5) a probation supervisor appointed by the Chief Court
357 Administrator; (6) the Commissioner of Correction; (7) the chairperson
358 of the Board of Parole; (8) the Victim Advocate; (9) an assistant
359 attorney general dealing with criminal justice matters appointed by the
360 Attorney General; (10) a representative from the Connecticut Bar
361 Association's criminal justice section; (11) the chairpersons of the joint
362 standing committee of the General Assembly having cognizance of
363 matters relating to judiciary; and (12) six members of the General
364 Assembly, one of whom shall be appointed by the speaker of the
365 House of Representatives, one of whom shall be appointed by the
366 president pro tempore of the Senate, one of whom shall be appointed
367 by the majority leader of the House of Representatives, one of whom
368 shall be appointed by the majority leader of the Senate, one of whom
369 shall be appointed by the minority leader of the House of
370 Representatives and one of whom shall be appointed by the minority
371 leader of the Senate.

372 (c) All appointments to the task force shall be made no later than
373 thirty days after the effective date of this section. Any vacancy shall be
374 filled by the appointing authority.

375 (d) The chairpersons of the joint standing committee of the General
376 Assembly having cognizance of matters relating to judiciary shall be
377 the chairpersons of the task force. Such chairpersons shall schedule the

378 first meeting of the task force, which shall be held no later than sixty
379 days after the effective date of this section.

(e) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to judiciary shall serve as administrative staff of the task force.

(f) Not later than January 2, 2002, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to judiciary, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or January 2, 2002, whichever is earlier.

389 Sec. 12. Section 18-81p of the general statutes is repealed.

PH *Joint Favorable Subst. C/R* JUD

JUD *Joint Favorable Subst.*

APP *Joint Favorable*